



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Emergency Certification Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Storm damage cleanup and repair for Hurricane Irene Pursuant to 310 CMR 10.61(3)

A. Emergency Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



FROM: _____
Issuing Authority

Applicant Name and Address
1. TO: _____
Property Owner Name and Address if Different

Site Location

2 Reason for Emergency:

To allow for the immediate repair to existing structures and wetland resources specifically damaged by Hurricane Irene in all Commonwealth of Massachusetts municipalities, for the specific repair activities listed in 310 CMR 10.61, such as repair of damaged buildings, roads, culverts, bridges, dams, waste water treatment plants, and utility lines; stabilizing coastal, stream, and river banks; and discharge of water pumped from flooded buildings.

3. Public agency to perform work or public agency ordering the work to be performed:

Non-applicable for purposes of Hurricane Irene

A copy of this form must be provided to the appropriate DEP Regional Office.

4. Date of Site Visit if conducted: _____ Start Date: _____ End Date*: _____
*The above described work shall be completed by End Date specified, but in no case later than Dec. 28, 2011

5. Work to be allowed*. Attach additional sheets if necessary.

* May not include work beyond that necessary to abate the emergency.

B. Signatures

Certified to be an Emergency by this Issuing Authority.

Signatures:

Chairman (or designee)

Date



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Emergency Certification Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Storm damage cleanup and repair for Hurricane Irene Pursuant to 310 CMR 10.61(3)

C. General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent. Any wetland resource areas altered by emergency work activities authorized by 310 CMR 10.61 must be restored.
5. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work is authorized beyond December 28, 2011 pursuant to 310 CMR 10.61. .

D. Special Conditions* (attach additional sheets if necessary)



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Emergency Certification Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Storm damage cleanup and repair for Hurricane Irene Pursuant to 310 CMR 10.61(3)

E. Appeals

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

*Use this sheet if necessary to further describe work authorized or additional Special Conditions: